

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

:

:

v.

:

JONATHAN WILLIAM WALL,

:

Case No: SAG-19-0500

:

Defendant

:

**CONSENT MOTION TO EXCLUDE TIME
PURSUANT TO THE SPEEDY TRIAL ACT**

Comes now the United States of America, by and through its counsel, Robert K. Hur, the United States Attorney for the District of Maryland, and Christopher J. Romano, Assistant United States Attorney for said district, and respectfully submits this Consent Motion to Exclude Time Pursuant to the Speedy Trial Act.

1. The Speedy Trial Act, 18 U.S.C. § 3161, normally requires that a trial on an indictment take place within seventy (70) days of the initial appearance or return of an indictment in a matter. On October 22, 2019, a federal grand jury in the District of Maryland indicted Jonathan William Wall (hereinafter “Defendant”), along with 10 other defendants for conspiring to distribute and possess with intent to distribute kilogram quantities of marijuana. ECF No. 1.

2. The Defendant fled the country and was not arrested until June 30, 2020, at the LAX airport in Los Angeles, California, when he returned to the United States.

3. The Defendant had his initial appearance in this District on August 14, 2020. ECF No. 97.

4. On August 17, 2020, the Defendant was ordered detained by a U.S. Magistrate Judge in this District. ECF No. 98.

5. On October 6, 2020, the Defendant, through his present counsel,¹ filed a motion for review of his order of detention. ECF No. 128. That motion is pending and the Government will be filing its response in opposition shortly.

6. On October 7, 2020, counsel for the Government and the Defendant and the Court had a telephone conference, the result of which was the Court entering a scheduling order the next day. ECF No. 129.

7. In the Court's scheduling order, and by agreement of both counsel and the Court, a deadline for Defendant's motions of November 4, 2020, Government's response by November 18, and a motions hearing on December 2, 2020, were set. *Id.*

8. By agreement of both counsel and the Court, a trial date was not set, until the pending motions are resolved.

9. The Speedy Trial Act allows for exclusions of time from the calculation of time within which the trial must commence. 18 U.S.C. § 3161(h). Specifically, "[a]ny period of delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on the motion. 18 U.S.C. § 3161(h)(1)(D).

10. 18 U.S.C. § 3161(h)(7)(A) provides that delay resulting from a continuance of the trial date beyond the seventy day speedy trial day is excludable if such continuance is granted by the Court on the basis of a finding that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial. Factors which the Court must find applicable in order to make this finding are listed in § 3161(h)(7)(B) and include the following:

¹ Defendant has had multiple counsel enter and strike their appearance. *See* ECF Nos. 51, 91-93, 95-96, 119, 121, 126-27.

“(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice...;

11. In this case, the above factor is applicable to this prosecution, given that pending motions have yet to be adjudicated and the ends of justice served justify a trial date, if one becomes necessary, until after December 2, 2020, or whenever the Court decides the motions before it.

12. Counsel for the Defendant joins in this motion.

Respectfully Submitted,

Robert K. Hur
United States Attorney

By: _____/s/
Christopher J. Romano
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 12, 2020, a copy of the foregoing Consent Motion and proposed Order was filed via the CM-ECF system of the United States District Court for the District of Maryland for electronic delivery to counsel of record.

/s/

Christopher J. Romano
Assistant United States Attorney